

ENTERED

May 11, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BILLY T. GREEN,

Plaintiff,

VS.

CHRISTUS SPOHN HEALTH SYSTEM,

Defendant.

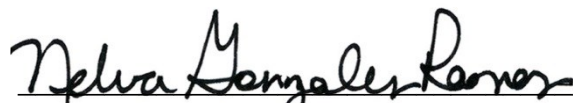
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CIVIL ACTION NO. 2:18-CV-064

ORDER

Before the Court is Defendant's Motion to Dismiss (D.E. 8). On May 10, 2018, Plaintiff timely filed an amended complaint (D.E. 10), which does not reference his earlier complaint (D.E. 1). "An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading." *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (citing *Boelens v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir.1985)). A Rule 12(b)(6) motion addressed to a superseded complaint is moot. *See generally, Van Deelen v. Cain*, 628 F. App'x 891, 900 (5th Cir. 2015) (noting that prior motions to dismiss had been mooted by prior amended complaints). *See also, Maxim Integrated Prod., Inc. v. State Farm Mut. Auto. Ins. Co.*, No. SA-14-CV-1030-XR, 2015 WL 10990119, at *1 (W.D. Tex. Feb. 12, 2015) (citing *Merritt v. Fogel*, 349 F. App'x 742, 745 (3d Cir. 2009)). Consequently, the Court TERMINATES AS MOOT Defendant's Motion to Dismiss (D.E. 8).

ORDERED this 11th day of May, 2018.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE